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and LONG TERM DISABILITY PLAN FOR EMPLOYEES
14 OF EXCITE, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

18 JOHN DOE,) Case No.: CV09-01665 LB
19 Plaintiff,)
20 v.)
21 LIFE INSURANCE COMPANY OF NORTH)
AMERICA and LONG TERM DISABILITY)
22 PLAN FOR EMPLOYEES OF EXCITE, INC.,)
23 Defendants.)

This matter is set for a case management conference on December 16, 2010. Plaintiff has now received the letter from Defendant LINA containing its determination regarding Plaintiff's waiver of premium benefit claim.

The Parties agree that Plaintiff will request review of LINA's decision first with LINA through the "administrative process." The usual time limits under ERISA apply will apply to this request for review: 180 days for Plaintiff to submit additional information to LINA and 45 days for LINA to consider his request for review, unless special circumstances arise warranting a 45-day extension.

While Plaintiff pursues his claim with LINA, this case shall be administratively closed. It may be reopened by appropriate motion if necessary.

Any motion for attorney's fees and costs is due no later than 14 days after either party declares the conclusion of the meet and confer process following any final determination of Plaintiff's life waiver benefits.

“Final determination” is defined as any of the following:

1. A decision overturning the waiver of premium denial is received by Plaintiff's counsel;
 2. The date judgment is entered on the waiver of premium issue; or
 3. The date any settlement agreement is signed.

The Case Management Conference set for December 16, 2010 is hereby removed from calendar. The Clerk is ordered to close the case administratively.

IT IS SO ORDERED.

Dated: 12/13/10

